

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION

4 UNITED STATES OF AMERICA § 4:19-CR-00341-1  
5 V. § 11:42 A.M. TO 12:32 P.M.  
6 JOSE M. GONZALEZ-TESTINO § MAY 29, 2019

7 HEARING ON RE-ARRAIGNMENT  
8 BEFORE THE HONORABLE GRAY H. MILLER  
9 Volume 1 of 1 Volume

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**ALSO IN ATTENDANCE:**

Defendant Jose M. Gonzalez-Testino

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1 **PROCEEDINGS**

2 THE COURT: All right. The Court calls Criminal  
3 Case 19-341, United States of America v. Jose  
4 Gonzalez-Testino.

11:42:06 5 Who is here for the government?

6 MS. EDWARDS: Good morning, Your Honor. Sarah  
7 Edwards for the United States, and with me at counsel  
8 table are Sonali Patel and John Pearson.

9 THE COURT: Thank you. Appreciate it. Good  
11:42:19 10 morning, Ms. Edwards.

11 And for the defendant?

12 MR. POZOS: Good morning, Your Honor. Antonio  
13 Pozos on behalf of Mr. Gonzalez. With me today is Charles  
14 Banker.

11:42:26 15 Your Honor, as an administrative matter, I have a pro  
16 hac vice motion pending, but I'm not sure it made it all  
17 the way up.

18 THE COURT: All right. It's granted.

19 MR. POZOS: Thank you.

11:42:36 20 THE COURT: Good afternoon. No. It's still  
21 morning. Good morning to both of you.

22 And the defendant is present?

23 MR. POZOS: He is, Your Honor.

24 THE COURT: And he has an interpreter who is  
11:42:46 25 interpreting the proceedings for him this morning.

1           So this is an initial appearance. He has had a  
2 detention hearing --

11:43:03

3           MS. EDWARDS: Is Mr. Gonzalez-Testino using the  
4 translation or is that for members of his family, just to  
5 be clear?

6           THE INTERPRETER: If I may, Your Honor, it's for  
7 the family. The defendant stated that he speaks English.  
8 My interpreting services are for the family members  
9 present.

11:43:11

10           THE COURT: Okay. I'm sorry.

11           MS. EDWARDS: Thank you, Judge. I just wanted to  
12 make sure.

11:43:18

13           THE COURT: No. Thank you. That's a good  
14 clarification. I see he does not have the earphones on  
15 now.

16           My apologies, sir.

17           THE DEFENDANT: No problem.

18           THE COURT: So you are proficient in English.  
19 You do not need an interpreter.

11:43:24

20           THE DEFENDANT: Yes, sir.

21           THE COURT: Thank you very much, Ms. Edwards.

22           So I initially need to advise the defendant of the  
23 charges against him in Counts One, Two, and Three of the  
24 indictment.

11:43:38

25           In Count One of the indictment you are charged with

1 conspiracy to violate the Foreign Corrupt Practices Act.

2 Do you understand the charge in Count One?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. In order for you to be

11:43:50

5 convicted of that offense, the government has to prove the  
6 following three things beyond a reasonable doubt:

7 Number one, that you and at least one other person  
8 made an agreement to violate the Foreign Corrupt Practices  
9 Act as charged in the information.

11:44:02

10 This is an information rather than an indictment?

11 MR. POZOS: That's correct, Your Honor.

12 THE COURT: All right. As charged in the  
13 information.

14 Second, that you knew the unlawful purpose of this  
11:44:12 15 agreement, and you joined in it willfully, that is with  
16 the intent to further its unlawful purpose.

17 And third, that one of the conspirators during the  
18 existence of this conspiracy knowingly committed at least  
19 one of the overt acts described in the information in  
11:44:28 20 order to accomplish some object or purpose of the  
21 conspiracy.

22 The government has to prove each of those three things  
23 beyond a reasonable doubt for you to be convicted of the  
24 offense that's alleged in Count One of the information.

11:44:39

25 Do you understand that?

1 THE DEFENDANT: Understood. Yes, Your Honor.

2 THE COURT: All right. Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Now, if you are

11:44:45

5 convicted, the statutory maximum penalty is five years  
6 imprisonment and a fine of \$250,000 or twice the pecuniary  
7 gain or loss.

8 Do you understand that?

9 THE DEFENDANT: Yes, Your Honor.

11:44:57

10 THE COURT: All right. The Court would also  
11 require you to pay a special assessment of \$100 for each  
12 count of which you are convicted or which you plead  
13 guilty, which in your case, if you plead guilty to three  
14 counts, would be \$300.

11:45:10

15 Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Now, Count One of the information  
18 carries a period of supervised release of three years.

19 I'll talk to you a little bit more about supervised

11:45:20

20 release later.

21 With respect to Count Two of the information, that is  
22 a substantive violation of the Foreign Corrupt Practices  
23 Act.

24 Do you understand that count?

11:45:29

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: All right. Now, in order for you to  
2 be convicted of that offense, the government has to prove  
3 seven things beyond a reasonable doubt.

11:45:41

4 First of all, that you -- that the defendant is either  
5 a domestic concern or an officer, director, or employee,  
6 or agent of a domestic concern. A "domestic concern" is  
7 an individual who is a U.S. citizen or resident or any  
8 U.S. corporation.

9 Secondly, you acted corruptly and willfully.

11:45:57

10 Third, that you made use of or caused the use of a  
11 means or instrumentality of interstate commerce in  
12 furtherance of an unlawful act under the Foreign Corrupt  
13 Practices Act. That includes causing money to be wired  
14 from a bank in one state to a bank in another state or to  
15 cause money to flow from inside the country to outside the  
16 country or vice versa.

11:46:14

17 Number four, that you offered, paid, promised to pay,  
18 or authorized the payment of money or anything of value.

11:46:30

19 Number five, that the payment or gift was to a foreign  
20 official or to any person while the defendant knew that  
21 all or a portion of the payment or gift would be offered,  
22 given, or promised, directly or indirectly, to a foreign  
23 official. "Foreign official" means any officer or  
24 employee of a foreign government or any department,  
25 agency, or instrumentality of a foreign government.

11:46:46

1 Six, that the payment was for one of four purposes.  
2 Either to influence any act or decision of the foreign  
3 public official in his or her official capacity or, two,  
4 to induce the foreign official -- foreign public official  
11:47:05 5 to do or omit to do any act in violation of that  
6 official's lawful duty or, number three, to induce that  
7 foreign official to use his or her influence with a  
8 foreign government or instrumentality thereof to affect or  
9 influence any act or decision of such government or  
11:47:21 10 instrumentality or, four, to secure any improper  
11 advantage.

12 And number seven, that the payment was made to assist  
13 the defendant, that's you, in obtaining or retaining  
14 business for or with or directing business to any person.

11:47:35 15 So all seven of those things have to be proved beyond  
16 a reasonable doubt for you to be convicted of the offense  
17 alleged in Count Two of the information.

18 Do you understand that?

19 THE DEFENDANT: I understand.

11:47:44 20 THE COURT: All right. Now the statutory maximum  
21 penalty for violating the Foreign Corrupt Practices Act is  
22 imprisonment for not more than five years and a fine of  
23 not more than \$250,000 or, again, twice the amount of the  
24 criminally derived property involved in the transaction,  
11:48:01 25 whichever is greater, a \$100 special assessment, and a



1 period of supervised release of, what is it, three years?

2 Let's see.

3 MS. EDWARDS: Yes, Your Honor.

4 THE COURT: Three years of supervised release.

11:48:15 5 All right. Now, Count Three of the information  
6 charges you with failure to file a Foreign Bank Account  
7 Report.

8 Do you understand the charge in Count Three?

9 THE DEFENDANT: Yes, Your Honor, I understand.

11:48:25 10 THE COURT: All right. Now, in order for you to  
11 be convicted of that offense, the government has to prove  
12 the following six things beyond a reasonable doubt.

13 First of all, that you were a U.S. citizen or a  
14 resident or a person doing business in the United States  
11:48:37 15 during the relevant period.

16 Secondly, that you had a financial interest in or  
17 signatory or other authority over a bank security or other  
18 financial account during the relevant period.

19 Third, that the account had a balance that exceeded  
11:48:53 20 \$10,000 at some point during the relevant period.

21 And fourth, the account was in a foreign country.

22 Fifth, that you failed to disclose the account.

23 And six, that the failure to disclose was willful.

24 Those six things have to be proved beyond a reasonable  
11:49:10 25 doubt for you to be convicted of the offense alleged in

1 Count Three of the information.

2 Do you understand?

3 THE DEFENDANT: I understand, Your Honor.

4 THE COURT: All right. Now, the maximum penalty

11:49:18

5 in that case, if you are convicted, is five years

6 imprisonment and a fine of \$250,000, or twice the

7 pecuniary gain or loss, a \$100 special assessment, and

8 three years of supervised release.

9 Do you understand that?

11:49:33

10 THE DEFENDANT: I understand, Your Honor.

11 THE COURT: All right. Now, you are entitled to

12 be represented by an attorney in this case, and you have

13 retained attorneys to represent you.

14 Do you understand that?

11:49:44

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: All right. Now, if you did not have

17 the funds to retain an attorney, the Court would appoint

18 an attorney to represent you without any charge to you.

19 Do you understand that?

11:49:53

20 THE DEFENDANT: I understand, Your Honor.

21 THE COURT: All right. Now, it's my

22 understanding that you wish to enter a plea of guilty to

23 Counts One, Two, and Three of the information.

24 Is that correct?

11:50:05

25 THE DEFENDANT: Correct, Your Honor.

1 THE COURT: All right. Now before I can accept  
2 the plea of guilty from you, I have to ask you certain  
3 questions that you must answer under oath.

11:50:15

4 I need to be sure that your plea of guilty is  
5 voluntary, entered into freely and without coercion.

6 I need to be sure that your plea is informed, entered  
7 with a clear understanding of the consequences of pleading  
8 guilty and with an understanding of all of the legal  
9 rights that you give up when you plead guilty.

11:50:30

10 I also need to make sure that there is a basis in fact  
11 for your plea of guilty.

12 So to the extent that you can, would you please raise  
13 your right hand to be placed under oath.

14 THE DEFENDANT: (Complying.)

11:50:40

15 CASE MANAGER: Do you solemnly swear that the  
16 testimony you are about to give in the case now before the  
17 Court will be the truth, the whole truth and nothing but  
18 the truth so help you God?

19 THE DEFENDANT: I swear.

11:50:48

20 THE COURT: All right. Thank you.

21 Do you understand that you have now been placed under  
22 oath and that if you answer any of my questions falsely  
23 your answers could later be used against you in another  
24 prosecution for perjury, that is, making a false statement  
25 under oath?

11:51:01

1 Do you understand that?

2 THE DEFENDANT: I understand, Your Honor.

3 THE COURT: All right. It's very important that  
4 you listen carefully to all of my questions and that you  
11:51:08 5 give me truthful answers to all those questions.

6 Will you do that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Tell me your full name, please.

9 THE DEFENDANT: Jose Manuel Gonzalez-Testino.

11:51:20 10 THE COURT: How old are you?

11 THE DEFENDANT: 49 years.

12 THE COURT: How far in school did you go?

13 THE DEFENDANT: I went to school in Venezuela,  
14 Caracas. You mean university or school?

11:51:30 15 THE COURT: Yes, both.

16 THE DEFENDANT: Both?

17 THE COURT: Your highest level of education.

18 THE DEFENDANT: Highest degree is a master's  
19 degree.

11:51:36 20 THE COURT: Your master's degree. And your  
21 master's degree is in what area?

22 THE DEFENDANT: In administration.

23 THE COURT: Administration. All right. And that  
24 was in Venezuela?

11:51:44 25 THE DEFENDANT: Right.

1 THE COURT: Are you able to read and write the  
2 English language without any difficulty?

3 THE DEFENDANT: Correct. Yes.

11:51:51

4 THE COURT: All right. Have you ever been  
5 treated for a mental illness or psychological problems of  
6 any kind?

7 THE DEFENDANT: No, sir.

8 THE COURT: Are you addicted to any drugs?

9 THE DEFENDANT: No, sir.

11:51:58

10 THE COURT: Are you sick today in any way that  
11 would prevent you from understanding what is happening  
12 here?

13 THE DEFENDANT: No, sir.

11:52:07

14 THE COURT: Have you taken any medication, either  
15 over-the-counter medication or prescription medication, in  
16 the last few days or today?

17 THE DEFENDANT: No, sir.

18 THE COURT: Have you had any illegal drugs or  
19 alcohol in the last few days or today?

11:52:17

20 THE DEFENDANT: No, sir.

21 THE COURT: Are you presently under the influence  
22 of any drug or alcohol?

23 THE DEFENDANT: No, sir.

11:52:25

24 THE COURT: Have you had enough time to talk to  
25 your attorney?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And are you satisfied with your  
3 attorneys?

4 THE DEFENDANT: Yes, sir.

11:52:28

5 THE COURT: Do you need to ask them any questions  
6 or get any advice from them before we go on?

7 THE DEFENDANT: No, sir.

11:52:39

8 THE COURT: All right. During the course of the  
9 hearing if at any point you need to ask your attorneys a  
10 question or get advice from them, you can do that before  
11 you answer my questions.

12 Do you understand that?

13 THE DEFENDANT: I understand. Thank you, sir.

14 THE COURT: All right.

11:52:46

15 Mr. Pozos, have you had enough time to investigate the  
16 law and the facts of your client's case?

17 MR. POZOS: I have, Your Honor.

18 THE COURT: Are you confident that your client  
19 understands the charges against him and the range of  
20 punishment he faces in this case?

11:52:58

21 MR. POZOS: I have, Your Honor.

22 THE COURT: Has he been able to fully cooperate  
23 with you?

24 MR. POZOS: He has, Your Honor.

11:53:05

25 THE COURT: In your opinion, is he mentally

1 competent to enter a plea of guilty?

2 MR. POZOS: Yes, Your Honor, he is.

3 THE COURT: All right. The Court finds that the  
4 defendant knowingly, voluntarily, intelligently, and with  
11:53:16 5 the advice of his attorneys seeks to enter a plea of  
6 guilty.

7 Now, sir, before I can accept a plea of guilty from  
8 you I need to make sure that you understand all of the  
9 legal rights that you are giving up when you plead guilty.

11:53:28 10 So first of all, you have the right, if you wish, to  
11 plead not guilty to these charges; and if you plead not  
12 guilty, then you would be entitled to have a trial on  
13 these charges.

14 Do you understand your right to have a trial?

11:53:40 15 THE DEFENDANT: I understand, Your Honor.

16 THE COURT: Now if we had a trial, you would be  
17 tried by a jury of 12 citizens from this district or by  
18 the judge without a jury if everyone agreed to that.

19 Do you understand that?

11:53:51 20 THE DEFENDANT: I understand, sir.

21 THE COURT: All right. You are entitled to be  
22 represented by an attorney in this case. You have hired  
23 attorneys. If you didn't have the funds to hire an  
24 attorney, the Court would have appointed an attorney.

11:54:00 25 Do you understand?

1 THE DEFENDANT: I understand.

2 THE COURT: Now, at this trial the burden would  
3 be on the United States to prove your guilt beyond a  
4 reasonable doubt on each charge against you and you would  
11:54:11 5 have no burden to prove that you were innocent because  
6 under our system of justice you are presumed to be  
7 innocent.

8 Do you understand the presumption of innocence?

9 THE DEFENDANT: I understand.

11:54:21 10 THE COURT: Now, in order to prove your guilt  
11 beyond a reasonable doubt the government would call  
12 witnesses, and they would appear and testify here in open  
13 court under oath. You and your attorneys would see and  
14 hear all of these witnesses, and then they would be  
11:54:35 15 allowed to ask them questions on your behalf.

16 Do you understand that?

17 THE DEFENDANT: I understand.

18 THE COURT: You would have no obligation to  
19 present any evidence or to call any witnesses.

11:54:44 20 However, you would have the right to do so, if you  
21 wanted to, and that would include the right to subpoena  
22 witnesses, that is, to require them to come into court and  
23 testify on your behalf.

24 Do you understand that right?

11:54:55 25 THE DEFENDANT: I understand, Your Honor.



1 THE COURT: During this trial you would also have  
2 the right to remain silent. You could testify on your own  
3 behalf if you wanted to, but you are under no obligation  
4 to do so because no one can compel you to be a witness  
11:55:09 5 against yourself. And if you chose to exercise your right  
6 to remain silent, it could not be held against you. In  
7 fact, you would have the right to have the jury instructed  
8 that they could not use your silence as any evidence of  
9 your guilt in this case.

11:55:24 10 Do you understand the right to remain silent?

11 THE DEFENDANT: I understand, Your Honor.

12 THE COURT: Now, the fact that you chose to  
13 present evidence of any kind at trial would never change  
14 the burden of proof. That burden would remain on the  
11:55:33 15 government until the very end of the case, and at this  
16 trial you could not be convicted unless every member of  
17 the jury found that you were guilty beyond a reasonable  
18 doubt. In other words, the verdict would have to be  
19 unanimous by all 12 members of the jury.

11:55:50 20 Do you understand that?

21 THE DEFENDANT: I understand, Your Honor.

22 THE COURT: Now, if you plead guilty today and I  
23 accept your plea, then your guilt is established and you  
24 will not have a trial.

11:55:59 25 Do you understand that?

1 THE DEFENDANT: I understand that, sir.

2 THE COURT: Also, by pleading guilty today you  
3 are giving up the right to have the facts that are pleaded  
4 in the information or that affect your sentence proven to  
5 a jury or proven beyond a reasonable doubt.

6 Do you understand?

7 THE DEFENDANT: I understand that, Your Honor.

8 THE COURT: Also, by pleading guilty today you  
9 are giving up the right to make a number of arguments  
10 later on to try and get your conviction set aside or your  
11 sentence set aside or reduced, arguments that you could  
12 have made if you had gone to trial and been convicted  
13 rather than pleading guilty.

14 Do you understand that?

15 THE DEFENDANT: I understand.

16 THE COURT: For example, you could not come  
17 forward later and argue that there were defects in the way  
18 that you were investigated, arrested, or prosecuted in  
19 order to challenge your conviction or your sentence.

20 You would give up the right to claim that you were  
21 subjected to an illegal search and seizure, that you gave  
22 an unconstitutional confession, or that your right to a  
23 speedy trial was violated.

24 Now this is not a complete list, just a few examples;  
25 but I want you to clearly understand that if you plead

1 guilty and I accept your plea that you will not be able to  
2 raise these or similar defenses later on to attack a  
3 conviction for your sentence.

4 Do you understand that?

11:57:16 5 THE DEFENDANT: I understand all of that, Your  
6 Honor.

7 THE COURT: All right. Very good. So you  
8 understand that by entering a plea of guilty today you are  
9 giving up your right to a trial and all of these other  
11:57:25 10 legal rights that I have just explained to you; is that  
11 correct?

12 THE DEFENDANT: That's correct, Your Honor.

13 THE COURT: Are you a citizen of the United  
14 States?

11:57:32 15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. These are felony  
17 offenses. And if your plea is accepted, you will be  
18 convicted and you may lose your rights to vote, to hold  
19 public office, to serve on a jury, or to possess any kind  
11:57:45 20 of a firearm in the future.

21 Do you understand that?

22 THE DEFENDANT: I understand that, sir.

23 THE COURT: All right. Now, this matter is  
24 before the Court on what we call a criminal information.  
11:57:55 25 You have a right to be indicted by a federal grand jury on

1 these charges. It's my understanding that you wish to  
2 give up your right to be indicted by a grand jury and  
3 proceed on the basis of the pending criminal information;  
4 is that correct?

11:58:12 5 THE DEFENDANT: That's correct, Your Honor.

6 THE COURT: All right. Have you discussed this  
7 with your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Has he answered all of your questions  
11:58:19 10 about this?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you believe it's in your best  
13 interest to waive indictment and proceed on the  
14 information?

11:58:25 15 THE DEFENDANT: Yes, that's correct.

16 THE COURT: Mr. Pozos, is that your advice to  
17 your client?

18 MR. POZOS: It is, Your Honor.

19 THE COURT: In your opinion, is that in your  
11:58:31 20 client's best interest?

21 MR. POZOS: It is.

22 THE COURT: And you have fully explained to him  
23 his rights?

24 MR. POZOS: I have, Your Honor.

11:58:37 25 THE COURT: All right. The Court accepts and

1 approves the defendant's waiver of indictment in this  
2 case, and we will proceed on the basis of the information.

3 All right. I have already explained to you the  
4 charges against you in this case. I did mention  
11:58:50 5 supervised release. There is a period of supervised  
6 release of three years that applies to each one of these  
7 counts in the information. Supervised release carries  
8 with it certain conditions that you must comply with after  
9 you are released from prison. And if you fail to comply  
11:59:07 10 with the conditions in your supervised release, then I can  
11 revoke your supervised release and send you back to  
12 federal prison for up to two additional years in prison  
13 without any credit for the time that you already served on  
14 supervised release before you committed the violation.

11:59:24 15 Do you understand that?

16 THE DEFENDANT: I understand that, sir.

17 THE COURT: Also, if you violate the conditions  
18 and I revoke your supervised release, I can impose another  
19 term of supervised release after you serve the prison time  
11:59:36 20 on the supervised release violation.

21 Now, if you commit another crime while you are on  
22 supervised release, you could be sentenced to additional  
23 years in prison and other punishment, depending upon what  
24 the crime is, and I could run the jail time that I give  
11:59:52 25 you on the supervised release violation in addition to and

1 not concurrently with the jail time on the new crime.

2 Do you understand that?

3 THE DEFENDANT: I understand, sir.

4 THE COURT: All right. Finally, there is no

12:00:03

5 parole in the federal prison system, and any prison

6 sentence that you receive in this case will not be

7 shortened by parole.

8 Do you understand that?

9 THE DEFENDANT: Yes, sir, I understand.

12:00:12

10 THE COURT: All right. So you clearly understand

11 the charges against you and the range of punishment that

12 you face; is that right?

13 THE DEFENDANT: That's correct.

14 THE COURT: All right. So, Counsel, I understand

12:00:20

15 that we do have a written plea agreement in this case; is

16 that right?

17 MS. EDWARDS: Yes, Your Honor.

18 THE COURT: All right. Ms. Edwards, this is

19 being offered pursuant to Rule 11(c)(1)(A) and (B) of the

12:00:33

20 Federal Rules of Criminal Procedure.

21 MS. EDWARDS: Yes.

22 THE COURT: Would you please summarize for the

23 record the essential terms of the plea agreement.

24 MS. EDWARDS: Yes, Your Honor. The principle

12:00:41

25 terms of the plea agreement are that the defendant agrees

1 to plead guilty to Counts One, Two, and Three of the  
2 information, which Your Honor has just described to the  
3 defendant.

12:00:53

4 If the Court determines that the defendant qualifies  
5 for an adjustment under Section 3E1.1(a) of the United  
6 States Sentencing Guidelines and the offense level prior  
7 to the operation of 3E1.1(a) is 16 or greater, the United  
8 States agrees to move under that section for an additional  
9 one level reduction because defendant timely notified the  
10 authorities of his intent to plead guilty, thereby  
11 permitting the government to avoid preparing for trial and  
12 to allocate its resources more efficiently.

12:01:11

13 The plea agreement includes the standard appellate  
14 waiver in this district.

12:01:28

15 And the defendant and the United States have not as of  
16 this date agreed upon the amount the defendant should pay  
17 in forfeiture but they agree that they will try to get to  
18 an agreed-upon forfeiture amount and money judgment prior  
19 to the defendant's sentencing.

12:01:46

20 THE COURT: Thank you.

21 Mr. Pozos, is that your understanding of the terms of  
22 the plea agreement?

23 MR. POZOS: It is, Your Honor.

24 THE COURT: Have you gone over this with your  
25 client?

12:01:53

1 MR. POZOS: I have, Your Honor.

2 THE COURT: Have you explained it to him to his  
3 satisfaction?

12:01:57

4 MR. POZOS: I have, Your Honor, in English and  
5 Spanish. He has received a Spanish translation as well.

6 THE COURT: All right.

7 Mr. Gonzalez-Testino, is that your understanding of  
8 the agreement that you have with the government?

9 THE DEFENDANT: Correct, sir.

12:02:07

10 THE COURT: All right. And have you gone over  
11 this with your attorney?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And has he answered all of your  
14 questions to your satisfaction?

12:02:15

15 THE DEFENDANT: All of my questions.

16 THE COURT: All right. So there are a couple of  
17 important things to remember about this plea agreement.  
18 I'm sure that your lawyer has probably gone over this with  
19 you. But the most important thing for you to remember is  
20 that the agreement that you have is with the prosecutors  
21 in this case and that your plea agreement does not bind me  
22 or restrict me in any way when I determine your sentence  
23 later on at the sentencing hearing.

12:02:25

24 Do you understand that?

12:02:38

25 THE DEFENDANT: I understand that, sir, yes.



1 THE COURT: I will determine your sentence  
2 completely independent of this agreement.

3 Do you understand?

4 THE DEFENDANT: Right. I understand.

12:02:45 5 THE COURT: All right. Now, there are a couple  
6 of things in here that are important.

7 Number one, there is the possibility that the  
8 government might file a motion for downward departure in  
9 this case if they believe that you have provided them with  
12:02:56 10 substantial assistance.

11 Do you understand how this works?

12 THE DEFENDANT: Yes, sir. Completely.

13 THE COURT: All right. Okay. I'm sure your  
14 lawyer has explained it all to you, but there are two very  
12:03:05 15 important things to remember about that particular  
16 provision of your plea agreement.

17 Number one, no matter how much you cooperate with the  
18 government and no matter how much information you give to  
19 the government, even if you testify on behalf of the  
12:03:18 20 government in some of these cases, it is up to the  
21 government and the government alone whether that is  
22 substantial assistance and will merit them filing this  
23 motion in the first place.

24 Do you understand that?

12:03:32 25 THE DEFENDANT: I understand that, sir.

1 THE COURT: There is no way that you can force  
2 them to file this motion. I can't even force them to file  
3 it. It's their decision and their decision alone.

12:03:45

4 Number two, even if the government files this motion  
5 and asks me to give you a sentence lower than the  
6 sentencing guidelines would recommend, there is no  
7 guarantee that I'm going to agree with the government and  
8 give you a lower sentence.

9 Do you understand that?

12:03:58

10 THE DEFENDANT: I understand that, also. Thank  
11 you.

12:04:10

12 THE COURT: The second important thing in your  
13 plea agreement is that you are waiving your right to  
14 appeal, which means that even though you don't know today  
15 what your sentence is going to be, you are going to be  
16 stuck with whatever it is. You are not going to be able  
17 to appeal it if you are unhappy with it later on.

18 Do you understand that?

19 THE DEFENDANT: I understand that.

12:04:21

20 THE COURT: All right. But the government, on  
21 the other hand, is not giving up its rights to appeal.

22 Do you understand that?

23 THE DEFENDANT: Yes, sir.

12:04:28

24 THE COURT: All right. So what we are doing here  
25 today with respect to your plea of guilty on these three

1 counts of the information is final. And if at the  
2 sentencing hearing later on the sentence that you receive  
3 is longer than you expected, you are not going to be able  
4 on that basis to come back here and try and withdraw your  
12:04:44 5 guilty plea to these counts and start this process over  
6 again. You are not going to be able to do that.

7 Do you understand that?

8 THE DEFENDANT: I understand that, sir.

9 THE COURT: All right. So if you plead guilty  
12:04:57 10 today and I accept your plea, then your guilt is  
11 established, and we'll move to the sentencing process.  
12 And this is a summary of what happens from this point on.

13 The probation department conducts a presentence  
14 investigation, and then they prepare a report to assist me  
12:05:12 15 in sentencing. And you can contribute to that report by  
16 meeting with the probation department, along with your  
17 attorneys, and providing them with information. The  
18 government does the same thing.

19 And then you see the presentence report before I do.  
12:05:25 20 And you can object to any errors that you think it  
21 contains. The government can do the same thing.

22 The probation department then writes responses to any  
23 objections that you raise or that the government has  
24 raised. And then they send the entire packet of  
12:05:43 25 information to me so that I can review it prior to the

1 sentencing hearing.

2 And at the sentencing hearing everyone comes back to  
3 court just like we are here today, and you and your  
4 attorneys will have an opportunity to speak on your behalf  
12:05:55 5 before I determine the sentence in your case.

6 Do you understand how this process works?

7 THE DEFENDANT: I understand, sir.

8 THE COURT: All right. Even though I do the  
9 sentencing, I have no idea, as I sit here today, what  
12:06:05 10 sentence you are going to receive in this case. I do not  
11 know how the federal sentencing guidelines are going to  
12 work in your case, and I will not know until after I  
13 review the presentence report. But I will decide all  
14 disputed factual and legal issues. And then I will  
12:06:24 15 determine the appropriate sentencing guideline range.  
16 That's the range of months that are recommended for your  
17 sentence under the advisory guidelines.

18 In doing this, I do not use the beyond a reasonable  
19 doubt standard that a criminal jury would use, and the  
12:06:38 20 Rules of Evidence do not apply because the sentencing  
21 process is much more informal than at trial.

22 So once I determine what the appropriate range of  
23 months is for your sentence under the guidelines, I'm not  
24 automatically required to give you a sentence within that  
12:06:54 25 range of months.

1 Do you understand that?

2 THE DEFENDANT: I understand, sir.

3 THE COURT: I may give you a sentence within that  
4 range if I think that is the appropriate sentence after  
12:07:03 5 considering all of the factors that I'm required to  
6 consider, but I can go above the top of the guideline  
7 range. And in your case, I could go all the way up to  
8 five years in federal prison as the maximum sentence.

9 Do you understand that?

12:07:19 10 THE DEFENDANT: I understand, sir.

11 THE COURT: But I also have the ability to go  
12 below the guideline range and give you a sentence less  
13 than recommended by the advisory guidelines if I think  
14 that is the appropriate sentence for you, and I can do  
12:07:33 15 that regardless of whether the government files a motion  
16 or not. That's completely within my discretion.

17 Do you understand that?

18 THE DEFENDANT: I understand, Your Honor.

19 THE COURT: All right. So finally, before I can  
12:07:45 20 take a guilty plea from you or accept a guilty plea from  
21 you, I have to make a determination that there is a  
22 factual basis for your plea of guilty, and I assume this  
23 is contained in your written plea agreement. So you have  
24 gone over this with your attorneys.

12:07:59 25 But let me ask, Mr. Pozos, does your client waive the

1 formal reading of the information at this point?

2 MR. POZOS: He does, Your Honor.

3 THE COURT: All right. Thank you.

4 So what I'm going to do now, sir, is I'm going to ask  
12:08:09 5 Ms. Edwards if she will summarize the facts that she  
6 believes the government can prove about you in this case.  
7 When she finishes, I'm going to ask you if those facts are  
8 true.

9 All right, Ms. Edwards.

12:08:23 10 MS. EDWARDS: If this case were to proceed to  
11 trial, the United States could prove each element of the  
12 offenses contained in the information beyond a reasonable  
13 doubt and would offer the following facts, among others,  
14 to establish the defendant's guilt.

12:08:36 15 At all relevant times the defendant, who is a dual  
16 United States and Venezuelan citizen, and his  
17 co-conspirators controlled multiple companies based in the  
18 United States, Panama, and Europe that supplied equipment  
19 and services to Petroleos de Venezuela S.A. or PDVSA, the  
12:08:56 20 Venezuelan state-owned and state-controlled oil company.

21 Bariven S.A. or Bariven was a wholly-owned subsidiary  
22 of PDVSA that at all relevant times was responsible for  
23 procuring goods and services on behalf of PDVSA.

24 Citgo Petroleum Corporation or Citgo was a  
12:09:13 25 Houston-based subsidiary of PDVSA that acted primarily as

1 a refiner, transporter, and marketer of petroleum-based  
2 products but also procured goods and services on behalf of  
3 PDVSA through its Special Projects group.

4 PDVSA and its subsidiaries were responsible for the  
12:09:29 5 exploration, production, refining, transportation, and  
6 trade and energy resources in Venezuela and provided  
7 funding for other operations of the Venezuelan government.

8 From in or about 2012 through in or about 2018 the  
9 defendant agreed with the individuals identified as  
12:09:47 10 co-conspirators one through five in the information and  
11 others, including the individual identified as Employee A  
12 in the information, to pay bribes and other things of  
13 value to PDVSA officials in order to obtain or retain  
14 business with PDVSA.

12:10:03 15 Specifically, the defendant agreed to and did pay  
16 bribes to PDVSA officials in exchange for their assistance  
17 to and business advantages for defendant, his  
18 co-conspirators and their companies, including helping  
19 them win PDVSA contracts, providing the defendant and his  
12:10:20 20 co-conspirators with inside information concerning the  
21 PDVSA bidding process, helping to conceal defendant and  
22 his co-conspirators control of multiple companies that  
23 participated in certain bidding panels for PDVSA projects,  
24 and assisting defendant in receiving priority over other  
12:10:37 25 vendors and receiving payment for previously awarded PDVSA

1 contracts.

2 Defendant, his co-conspirators, and others working at  
3 their direction provided things of value to PDVSA  
4 officials, sometimes at the official's request, in  
12:10:52 5 exchange for their assistance to defendant's companies,  
6 including money, meals, concert tickets, Super Bowl and  
7 other sports tickets, recreational travel and  
8 entertainment, and luxury items including jewelry and  
9 watches.

12:11:06 10 The PDVSA officials to whom defendant and his  
11 co-conspirators paid bribes included but were not limited  
12 to Alfonso Gravina, Cesar Rincon, and the individuals  
13 referenced in the information as Officials A, B, C, D,  
14 and E.

12:11:23 15 Gravina held a number of positions at PDVSA related to  
16 the purchase of energy services and equipment, including  
17 purchasing manager, until he left PDVSA in 2014. During  
18 the time that Gravina was a PDVSA official, defendant and  
19 his co-conspirators paid Gravina at least \$233,000 in  
12:11:42 20 bribes in exchange for Gravina's official acts,  
21 assistance, and other business advantages for defendant's  
22 business with PDVSA.

23 Cesar Rincon held a number of positions at PDVSA and  
24 Bariven and was ultimately named a high-level Bariven  
12:11:58 25 executive in or about January of 2012. During the time



1 that Cesar Rincon was a high-level executive at Bariven,  
2 defendant and his co-conspirators paid Mr. Rincon at least  
3 \$629,000 in bribes in exchange for Rincon's official acts,  
4 assistance, and other business advantages for defendant's  
5 business with PDVSA.

12:12:17

6 Official A was employed by Citgo in the Special  
7 Projects group between approximately 2015 and 2018.  
8 During the time that Official A was a Citgo official,  
9 defendant and his co-conspirators paid Official A at least  
10 \$342,000 in bribes in exchange for Official A's acts,  
11 assistance, and other business advantages for defendant's  
12 business with PDVSA.

12:12:33

13 Official B was employed by Citgo between approximately  
14 2010 and 2018 and worked in the Special Projects group  
15 between approximately 2012 and 2015. During the time that  
16 Official B was a Citgo official, defendant and his  
17 co-conspirators paid Official B more than \$640,000 in  
18 bribes in exchange for Official B's official acts,  
19 assistance, and other business advantages for defendant's  
20 business with PDVSA. In addition, defendant arranged for  
21 Official B to participate in commercial real estate  
22 investments in the Houston area through which Official B  
23 received a disproportionately favorable interest in the  
24 investments relative to the amount of capital Official B  
25 contributed in exchange for Official B's ongoing

12:12:51

12:13:10

12:13:28

1 assistance to defendant's companies.

2 Official C was employed by Citgo in the Special  
3 Projects group between approximately 2014 and 2018.  
4 During the time that Official C was a Citgo official,  
12:13:44 5 defendant and his co-conspirators paid Official C at least  
6 \$25,000 in bribes in exchange for Official C's official  
7 acts, assistance, and other business advantages for  
8 defendant's business with PDVSA.

9 Official D was employed by Citgo in the Special  
12:14:03 10 Projects group between approximately 2014 and 2018.  
11 During the time that Official D was a Citgo official,  
12 defendant and his co-conspirators paid Official D at least  
13 \$36,000 in bribes in exchange for Official D's official  
14 acts, assistance, and other business advantages for  
12:14:20 15 defendant's business with PDVSA. Specifically, on or  
16 about July 28th, 2017, defendant caused a \$30,575 wire  
17 transfer from a Curacao bank account under his control to  
18 an account controlled by Official D's nephew located in  
19 the Southern District of Texas. The July 28th, 2017, wire  
12:14:47 20 transfer was a bribe payment to Official D.

21 Official E was employed as a senior executive of Citgo  
22 from approximately June of 2013 through approximately  
23 November 2017. During the time that Official E was a  
24 Citgo official, defendant used companies owned by two  
12:15:07 25 relatives of Official E as subcontractors on defendant's

1 PDVSA awarded contracts. Defendant did so at Official E's  
2 direction, and defendant understood that Official E was to  
3 receive a portion of the subcontract revenues from  
4 Official E's relatives. In addition, while Official E was  
12:15:25 5 a Citgo official, defendant provided Official E with  
6 original artwork and at least one flight on a private jet  
7 chartered by defendant. Defendant paid and provided these  
8 things of value to Official E in exchange for Official E's  
9 official acts, assistance, and other business advantages  
12:15:42 10 for defendant's businesses.

11 Defendant attempted to and did maintain and conceal  
12 the scheme by sending bribe payments to bank accounts into  
13 which PDVSA officials could receive bribe payments that  
14 were not in the names of the PDVSA officials but instead  
12:15:58 15 in the names of companies, intermediaries, relatives,  
16 friends, and close personal associates of the PDVSA  
17 officials.

18 During the time set forth in the information the  
19 defendant used encrypted messaging services to communicate  
12:16:11 20 with his co-conspirators, routinely deleted BlackBerry  
21 messages on his personal devices and other documents,  
22 monitored electronic communications of his  
23 co-conspirators, employees and others without their  
24 knowledge, and discussed with Gravina Mr. Gravina's  
12:16:28 25 cooperation with the government's investigation.

1 Finally, for each year including and between 2015 and  
2 through at least 2017, the defendant had financial  
3 interests in or signatory authority over foreign bank  
4 accounts that required a report of foreign bank account  
12:16:45 5 and financial accounts, which is a FinCEN Report 114,  
6 commonly known as an FBAR report. Defendant had financial  
7 interest in or signature authority over foreign bank  
8 accounts held in the names of companies he controlled,  
9 including Companies A, B, and C in the information as well  
12:17:05 10 as other foreign bank accounts held in his own name. The  
11 defendant failed to file FBAR reports for any of these  
12 accounts.

13 Furthermore, in each of the defendant's tax filings  
14 for 2015 through 2017 the defendant failed to report that  
12:17:17 15 he had financial interests in or signature authority over  
16 any foreign bank accounts. He also falsely stated to his  
17 accountant that he did not have control or authority over  
18 any foreign bank accounts.

19 THE COURT: Thank you, Ms. Edwards.

12:17:33 20 All right, sir. You have heard the government's  
21 attorney summarize the facts that she believes the  
22 government can prove about you in this case.

23 Are those facts true?

24 THE DEFENDANT: Correct, sir.

12:17:42 25 THE COURT: All right. The Court finds that

1 there is a factual basis for the plea. Let me ask you at  
2 this time what is your plea to the charges against you in  
3 Counts One, Two, and Three of the information? Guilty or  
4 not guilty?

12:17:54 5 THE DEFENDANT: Guilty, Your Honor.

6 THE COURT: And do you state here in court under  
7 oath that each and every allegation in Counts One, Two,  
8 and Three of the information are all true and correct?

9 THE DEFENDANT: They are true and correct, Your  
10 Honor.

11 THE COURT: Now, are you making this plea of  
12 guilty freely and voluntarily?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Has anyone forced you, threatened  
12:18:13 15 you, coerced you, or done any violence to you or any other  
16 person to get you to plead guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Are you pleading guilty because of  
19 any promise that's been made to you other than what is in  
12:18:23 20 your written plea agreement?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Are you pleading guilty to protect  
23 someone else?

24 THE DEFENDANT: No, Your Honor.

12:18:30 25 THE COURT: Are you pleading guilty because you

1 are guilty and for no other reason?

2 THE DEFENDANT: Correct, Your Honor, yes.

3 THE COURT: Have you read and do you understand  
4 the plea agreement?

12:18:39 5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you prepared to execute it under  
7 oath at this time?

8 THE DEFENDANT: Yes, correct, Your Honor.

9 THE COURT: Let's have it signed, please.

12:19:51 10 (Sotto voce discussion between counsel.)

11 THE COURT: All right, sir. I have been handed a  
12 written plea agreement in your case; and I just want to  
13 confirm with you on the record on Page 21 of the plea  
14 agreement, is that your signature?

12:21:16 15 THE DEFENDANT: That's correct, sir.

16 THE COURT: And on Page 22 of the plea agreement,  
17 is that your signature?

18 THE DEFENDANT: That is my signature, correct.

19 THE COURT: And on the addendum to the plea  
12:21:35 20 agreement, Page 24, is that also your signature?

21 THE DEFENDANT: That's also my signature, yes.

22 THE COURT: Have you executed this plea agreement  
23 freely and voluntarily after having had it fully explained  
24 to you to your satisfaction by your attorneys?

12:21:47 25 THE DEFENDANT: Yes, that's correct, Your Honor.

1 THE COURT: All right.

2 Mr. Pozos, do you know of any reason why your client  
3 should not plead guilty to these counts of the  
4 information?

12:21:58 5 MR. POZOS: I do not, Your Honor.

6 THE COURT: Can you think of any additional  
7 admonishments that I need to provide to the defendant at  
8 this time?

9 MR. POZOS: I believe you have covered it, Your  
10 Honor.

11 THE COURT: Ms. Edwards, can you think of  
12 anything else?

13 MS. EDWARDS: No, Your Honor.

14 THE COURT: All right. Thank you.

12:22:11 15 These are the Court's findings. I find that the  
16 defendant is clearly mentally competent and capable of  
17 entering an informed plea.

18 I find that the plea is supported by independent facts  
19 establishing all of the elements of the offense and that  
12:22:23 20 the defendant intended to do the acts he committed.

21 I find that the defendant's plea of guilty is  
22 voluntarily, freely, and knowingly made and that the  
23 defendant understands the nature of these proceedings and  
24 the consequences of his plea of guilty and that this is an  
12:22:38 25 informed plea.

1           Therefore, sir, I accept your plea of guilty and I  
2 find you guilty as charged in Counts One, Two, and Three  
3 of the information.

12:22:50

4           As I explained before, a presentence investigation  
5 will now be conducted, and a report will be prepared to  
6 assist me in sentencing. The sentencing in this case is  
7 set for August the 28th at --

8           CASE MANAGER: 10:00.

9           THE COURT: -- 10:00 a.m. in this courtroom.

12:23:04

10 Rhonda has a copy of the order for the presentence  
11 investigation with disclosure and sentencing dates for  
12 both counsel.

13           Now we need to talk about bond. What have we done  
14 with respect to that, Ms. Edwards?

12:23:19

15           MS. EDWARDS: Your Honor, the government and  
16 counsel for the defendant have had what I would describe  
17 as productive discussions about the conditions that the  
18 government thinks would be appropriate were  
19 Mr. Gonzalez-Testino to be released on bond. They have  
20 not all been met yet as of today, but we are working  
21 toward it.

12:23:34

22           THE COURT: All right. So you are going to  
23 submit something later? At this point, he is going to  
24 remain detained?

12:23:46

25           MR. POZOS: Your Honor, we think -- we understand



1 you had some concerns potentially about the conditions of  
2 Mr. Gonzalez-Testino's release. We thought it would be  
3 productive today to lay out what we were thinking in terms  
4 of the conditions that we have discussed with the  
5 government to see if there are additional terms or  
6 considerations that Your Honor would feel we should  
7 incorporate into our bond package once we finalize some of  
8 the details of these different packages.

9 So with Your Honor's permission, may I summarize the  
10 conditions?

11 THE COURT: Yes, please.

12 MR. POZOS: First, obviously, the standard  
13 conditions of any bond-backed supervised release would be  
14 agreed to by Mr. Gonzalez in the forum of this district.

15 With respect to the amount of bond, the proposal would  
16 be to do a \$5 million signature bond which would then be  
17 secured by \$2 million in property. Operationally, the way  
18 that we would do that is that there would be a quitclaim  
19 deed for that property that would be placed in an escrow  
20 agreement so that in the event that Mr. Gonzalez were not  
21 to comply with the terms and conditions of his bond that  
22 property would be available and subject to the quitclaim  
23 deed immediately.

24 With respect to cosigners for that bond, we would  
25 offer cosigners for the Court's approval. At this point,

1 family members are willing to cosign that bond.  
2 Mr. Gonzalez's brother Alex is here in court and willing  
3 to do that. His uncle Carlos Testino is here in court and  
4 willing to do that. His wife Maria Diaz is here in court  
12:25:09 5 and willing to do that. So those are sureties that we  
6 would proffer as well as cosigners on the bond.

7 With respect to the property, Mr. Gonzalez's brother  
8 Alex would also be the individual who would be posting  
9 that property. So he would be both a surety and posting  
12:25:23 10 that collateral.

11 With respect to the additional conditions of this  
12 proposal, Mr. Gonzalez would, of course, agree to home  
13 confinement and electronic monitoring. He is proposing to  
14 serve that home confinement and electronic monitoring in  
12:25:37 15 Miami, but he is also willing to do that here in the  
16 district if the Court has a preference as between keeping  
17 him here in Houston or having him be closer to family in  
18 Miami.

19 Of course, he is willing to surrender outstanding  
12:25:48 20 passports. He has surrendered his last two passports  
21 today to the agents as part of this package, and he is, of  
22 course, willing to submit to such other supervision as  
23 pretrial services may require, a weekly phone call, those  
24 sorts of things.

12:26:03 25 Finally, Your Honor, with respect to one of the

1 trickier aspects, Mr. Gonzalez has agreed with the  
2 government that his family needs to sell a jet that he has  
3 traveled upon in the past. That's a jet which is  
4 currently with a charter service in South Florida. We  
5 discussed that with the government. That is one of the  
6 items that he will need some time to implement divesting  
7 his family of that particular aircraft.

8 So, you know, with that said, Your Honor, I would be  
9 remiss if I didn't, you know, note that there were  
10 concerns at the initial hearing about Mr. Gonzalez's risk  
11 of flight, which I understand were incorporated into the  
12 order of Judge Bray on detention.

13 We would respectfully submit that while we disagree  
14 with the idea that Mr. Gonzalez was attempting to flee, we  
15 are just in a very different place right now. Mr.  
16 Gonzalez is here and has accepted responsibility. He has  
17 begun his cooperation with the government. He has met  
18 with them several times.

19 One of the reasons that we really are pushing for  
20 this, Your Honor, is we do think that his cooperation will  
21 be aided if he does receive a bond, and we're happy to  
22 come up to sidebar and explain the particular mechanics of  
23 why that is. But there are particular activities that we  
24 really think would be of advantage to the government and  
25 to Mr. Gonzalez that he really isn't in a position to do

1 while he is detained at the FDC in terms of obtaining  
2 certain information which we believe is of value,  
3 substantial value to the government.

12:27:24

4 And, you know, for those reasons we think that we are  
5 just simply in a very different place than we were back in  
6 September. And with the support of the government,  
7 Mr. Gonzalez's commitment to taking responsibility and  
8 doing everything that he can to work towards a potential  
9 5K recommendation, we would submit that these conditions  
10 are sufficient to satisfy the Bail Reform Act and assure  
11 his appearance.

12:27:39

12 THE COURT: Ms. Edwards, what do you say?

12:27:51

13 MS. EDWARDS: Mr. Pozos has accurately described  
14 all the conditions that we have talked about. I have one  
15 small addition, which is that we had discussed previously,  
16 just because the defendant has a number of passports, four  
17 that are now in the government's possession as of today,  
18 is having a brief colloquy with the defendant and we would  
19 ask Your Honor to put him under oath just so he can  
20 confirm those are the only passports he has and he  
21 understands he cannot obtain any others.

12:28:05

22 THE COURT: All right. He is under oath already.  
23 So have you turned over all of the passports that you  
24 currently possess in your name?

12:28:18

25 THE DEFENDANT: All passports are in the agents

1 hands.

2 THE COURT: All right. Do you have passports in  
3 any other names other than your own name?

4 THE DEFENDANT: No. No more passports in any  
5 other names.

12:28:29

6 THE COURT: All right. So you understand that  
7 you are not allowed, if you are released on bond, to  
8 obtain any other passports?

9 Do you understand that?

12:28:38

10 THE DEFENDANT: Correct. Understood. I  
11 understand.

12 THE COURT: Do you have a preference,  
13 Ms. Edwards, about whether he would reside here or in  
14 Florida if he were to be released on bond?

12:28:47

15 MS. EDWARDS: If he were to be released on bond,  
16 assuming this is after the jet, which I think is in  
17 Florida, is sold then, no, we do not have a preference  
18 between Houston and Miami.

12:28:59

19 THE COURT: All right. So the conditions that  
20 Mr. Pozos has outlined are acceptable to the government  
21 with respect to putting him on bond and releasing him?

22 MS. EDWARDS: Yes, Your Honor.

23 THE COURT: Except that the only condition that  
24 hasn't been fulfilled is the sale of the jet; is that

12:29:10

25 correct?

1 MR. POZOS: Yes, Your Honor. We still need to  
2 execute some of the escrow paperwork that's just  
3 ministerial at this point.

12:29:24

4 MS. EDWARDS: And if -- Your Honor, if we could  
5 approach the bench.

6 (At the bench.)

7 (Bench conference sealed and not attached hereto.)

8 (Open court.)

12:31:34

9 THE COURT: All right. Is there anything  
10 further, Ms. Edwards, at this time?

12:31:46

11 MS. EDWARDS: Your Honor, I would just ask if you  
12 could clarify on the record. I believe the entire docket  
13 in this case is still sealed. The only thing from our  
14 understanding that needs to be sealed is the actual plea  
15 agreement itself, but the information and anything else on  
16 the docket should be public.

17 THE COURT: All right. The plea agreement will  
18 remain sealed and everything else will be unsealed.

19 MS. EDWARDS: Thank you.

12:31:56

20 THE COURT: Thank you. I need to let Rhonda know  
21 that, too.

22 All right. Anything else from the defendant's  
23 perspective at this point?

24 THE DEFENDANT: No, Your Honor.

12:32:03

25 THE COURT: Thank you. Then we're adjourned.

1 Oh, there you are. I thought you snuck out.

2 (Sotto voce discussion between counsel.)

3 MR. POZOS: Your Honor, the cosigners --

4 THE COURT: Okay. So the cosigners on the

12:32:23

5 bond -- hang on a second. The cosigners on the bond, the  
6 names have to be provided to pretrial because they have to  
7 approve those people as signatories.

8 MR. POZOS: Of course, Your Honor. They are here  
9 today. We'll do those logistics.

12:32:39

10 THE COURT: Thank you. I think we're done.

11 *(Proceedings concluded at 12:32 p.m.)*

12 *Date: November 27, 2024*

13 ***COURT REPORTER'S CERTIFICATE***

14 *I, Laura Wells, certify that the foregoing is a*  
15 *correct transcript from the record of proceedings in the*  
16 *above-entitled matter.*

17 \_\_\_\_\_/s/ Laura Wells\_\_\_\_\_

18 *Laura Wells, CRR, RMR*

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